

REMARKS

This Amendment is submitted in response to the Office Action mailed on May 4, 2005. With this Amendment, claims 1, 5-8, 12-14, 17, 21-24, 28-31, 35-38, 42, and 44 are amended and claims 4, 11, 20, 27, 34, and 41 are canceled.

Claim Objections

In the Office Action, the drawings were objected to under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the structure wherein the puller arms are offset from each other by about 45 degrees must be shown. The Examiner states, "applicant discloses a figure wherein only two puller arms are offset by about 45, but the other arms are offset at an angle substantially greater than 45 degrees." With this Amendment, the claims pertaining to the puller arms being offset from each other by about 45 degrees (claims 4, 11, 20, 27, 34, and 41) are canceled and therefore the claim objection is overcome.

Claim Rejections - 35 U.S.C. §112

In the Office Action, claims 12, 14, 21, 23, 42, and 44 were rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, for providing insufficient antecedent basis for the claim limitation "the fixed center post." With this Amendment, the antecedent problem has been corrected and therefore the claim rejection should be withdrawn.

Claim Rejections - 35 U.S.C. §102

In the Office Action, claims 1-3, 5, 8-10, 12, 15-19, 21, 24-26, 28, 31-33, 35, 38-40, and 42 were rejected under 35 U.S.C. § 102(b) as being anticipated by Huebsch et al. (U.S. 5,853,422). Specifically, the Office Action stated that Huebsch discloses, "an occluding body (10) with fixed and

floating center posts (232) (216), a plurality of puller arms (222), and first and second support frames (222).” The Office Action also states that, “Huebsch discloses the same invention wherein the floating center post comprises an axially extending groove (240) which reversibly connects with an axially extending pin (236) extending from the fixed center post shown in figures 15-17 of Huebsch.”

Independent claims 1, 8, 17, 24, 31, and 38 of the present invention have been amended to further clarify the invention. Specifically, claim 1 recites, “an automatic loading mechanism for an occlusion device having an occluding body attached to a center post, the occluding body having an open state and a collapsed state, the mechanism comprising a plurality of puller arms attached to the occluding body for collapsing the occluding body from the open state to the collapsed state; and a floating center connected to the puller arms, the floating center being positioned adjacent the center post when the occluding body is in its open state, and is movable away from the center post to cause the puller arms to collapse the occluding body.” Independent claims 8, 17, 24, 31, and 38 recite similar claim language as claim 1.

Huebsch, however, discloses, “a cylindrical shaft 212 having a proximal end 214, a distal end 216, and a central portion 218...pull mechanism 230 comprises shaft 231 with distal pull bar (or twist-lok bar) 232, pull mechanism being constructed and arranged for insert into device 200 through proximal opening 233 and distally through distal opening 234, and rotated.” (Column 6, lines 36-46). Huebsch goes on to disclose, “pull mechanism 230 can pull distal end 216 toward center 218 and center 218 toward proximal end 214...distal end 216 may be locked to central portion 218 by means of distal locking pins 236 constructed and arranged to mate with central locking bores 240, and proximal end 214 may be locked to central portion 218 by means of central locking pins 242 constructed and arranged to mate with proximal bores 238.” (Paragraph spanning bottom of column 6 and top of column 7).

The apparatus disclosed in Huebsch comprises two mechanisms (the device 200 and pull mechanism 230) that are in direct contact only when pull mechanism 230 is inserted into device 200 in order to cause struts 222 to be in the collapsed state. (Column 6, lines 30-63). Huebsch discloses element 232 as a “distal pull bar,” that primarily functions as a means to allow grasping of pull mechanism 230 in

order to twist and turn pull mechanism 230 to transform device 200 into a plug. (Column 6, lines 30-63). As shown in Figures 14-17 of Huebsch, element 232 is inserted into element 234 in order to cause the device to go from an open state (FIG. 14) to a collapsed state (FIG. 17).

Claim 1, on the other hand, recites "an occluding body attached to a center post, the occluding body having an open state and a collapsed state, the mechanism comprising a plurality of puller arms attached to the occluding body for collapsing the occluding body from the open state to the collapsed state; and a floating center connected to the puller arms, the floating center being positioned adjacent the center post when the occluding body is in its open state, and is movable away from the center post to cause the puller arms to collapse the occluding body." This is neither taught nor suggested by Huebsch.

Independent claims 1, 8, 17, 24, 31, and 38 are not anticipated by the Huebsch patent and the rejection under 35 U.S.C. §102(b) should be withdrawn. It is respectfully submitted that claims 1, 8, 17, 24, 31, and 38 are patentable on their own merits and claims 2-3, 5, 9-10, 12, 15-16, 18-19, 21, 25-26, 28, 32-33, 35, 39-40, and 42 are further allowable since they depend from a patentable independent claim. See M.P.E.P. 2143.03, citing In re Fine, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988).

Claim Rejections - 35 U.S.C. §103(a)

In the Office Action, claims 4, 11, 20, 27, 34, and 41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huebsch, in view of Urbanski (6,261,309); and claims 6-7, 13-14, 22-23, 29-30, 36-37, and 43-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Huebsch, in view of Forber (5,733,294). The Examiner states that Huebsch discloses the invention substantially as claimed but does not disclose a formation wherein the puller arms offset from one another by about 45 degrees. Urbanski discloses a hemostatic plug wherein the support arms are arranged so that they are offset from each other by about 45 degrees. The Examiner also states that Huebsch discloses the invention substantially as claimed but does not disclose that the floating and fixed center posts are

constructed of platinum-iridium. Forber discloses fixed and floating center posts constructed of platinum-iridium.

With this Amendment, claims 4, 11, 20, 27, 34, and 41 have been canceled and therefore, the claim rejection is overcome.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art. M.P.E.P. 2143.01, citing In re Fine, 5 USPQ2d 1596 (CAFC 1988) and In re Jones, 21 USPQ 1941 (CAFC 1992). In addition, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Independent claims 1, 8, 17, 24, 31, and 38 (from which claims 6-7, 13-14, 22-23, 29-30, 36-37, and 43-44 depend) of the present invention have been amended to further clarify the invention. As discussed above, Huebsch does not disclose the invention as defined in the amended claims. Neither Urbanski nor Forber provide the missing disclosure. The rejections under 35 U.S.C. § 103 should be withdrawn.

With the above amendments and discussion, the application is now in condition for allowance, and notice to that effect is requested.

Respectfully submitted,

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